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VIRLYNN TINKELL
SUPERIOR COURT CLERK

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE**

STATE OF ARIZONA,

Plaintiff,

vs.

JUSTIN JAMES RECTOR

Defendant.

No. CR-2014-1193

**RESPONSE TO DEFENDANT'S
MOTION TO EXCLUDE
VENIRE PERSONS WHO CANNOT
FAIRLY CONSIDER MITIGATING
EVIDENCE AND/OR WHO WOULD
AUTOMATICALLY VOTE FOR
DEATH UPON A FINDING OF GUILT
IN THE TRIAL'S CULPABILITY
PHASE**

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned Deputy County Attorney, Gregory A. McPhillips, respectfully request's defendant's present motion be denied because it is not ripe.

We may all agree on the legal concept that a juror who refuses to consider mitigating evidence, or who would automatically vote for death, should not sit on the jury in this case, but we have not heard from the prospective jurors yet. The court is in no position to strike jurors at this time. Defendant's motion is not ripe and must be denied.

RESPECTFULLY SUBMITTED THIS 24TH DAY OF NOVEMBER, 2015.

MOHAVE COUNTY ATTORNEY
MATTHEW J. SMITH

By 
DEPUTY COUNTY ATTORNEY
GREGORY A. MCPHILLIPS



S8015CR201401193

McPhillips/14-F-1350

1 A copy of the foregoing
2 sent this same day to:

3 HONORABLE LEE F. JANTZEN
4 SUPERIOR COURT JUDGE

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